

November 3, 2000

Rosa Munoz  
CALIFORNIA PUBLIC UTILITIES COMMISSION  
320 West 4th Street, Suite 500  
Los Angeles CA 90013

Dear Ms. Munoz:

The Sacramento Regional Transit District appreciates the opportunity to provide these comments on the Grade Separation Priority List Formula.

From our perspective, prior actions taken by the CPUC with regard to the Grade Separation Priority Program have systematically eliminated light rail grade separations from consideration, or have imposed factors into the competition that effectively reduce the chances for funding of light rail grade separations. We do not seek special consideration for light rail vs. railroad grade separations. However, we do seek changes to the grade separation priority formula and the process in general to allow light rail to compete equally on a level playing field with railroads for available funding.

As you are aware, RT submitted two applications in 1999 for proposed grade separations: Bradshaw Road and Florin Road. After the evidentiary hearing in San Francisco in February 2000, CPUC staff recommended that the Bradshaw Road grade separation be eliminated from consideration because RT proposed an LRT-exclusive grade separation. CPUC's Investigation 99-07-001 (July 8, 1999) indicated that, pursuant to Decision 90-06-058:

*"Projects which involve exclusive LRT (light rail transit) operations are not eligible nor intended to be funded under the Grade Separation Program established by S&H Code Section 2452 et seq."*

At the time, RT staff did not dispute CPUC staff's recommendation. Since then, RT staff has reviewed Streets & Highways Code Section 2452 and finds no reference to legislative intent that exclusive LRT grade separations not be funded through the Grade Separation Priority Program. Decision 90-06-058 indicates that the PUC's interpretation of S&H Code 2450 is that the Legislature's intent was to exclude light rail transit from the definition of eligible projects simply because they did not include the term "light rail transit" in the language. The PUC recognized that "we

must first seek to ascertain the legislative intent of the statutes using the plain meaning of the words in the statutes" (PUC, Decision 90-06-058, Page 17). Because the Legislature did not express its intent to exclude proposed LRT-only grade separations in Section 2450 et. seq., we question the basis upon which the CPUC eliminated LRT-exclusive grade separations from consideration. Had the Legislature specifically desired to exclude LRT grade separations from the category of eligible projects, they likely would have included specific language to that effect. We strongly recommend that the CPUC reverse this decision and allow any proposed separation of light rail grade crossings to compete equally for funding.

We also note that the formula used to score proposed grade separation projects is inherently biased against light rail projects. First, the formula does not allow for consideration of proposed light rail crossings, such as was the case with RT's proposed Florin Road grade separation project. As we indicated at the evidentiary hearing in February 2000, RT has awarded a contract to construct a 6.3 mile light rail extension into South Sacramento. CPUC funding for a grade separation at Florin Road would have allowed RT to construct the grade separation at nearly the same time as the light rail extension, which would have produced significant economies of scale and minimized construction impacts in the area compared to constructing the two projects separately.

Starting in September 2003, RT will operate 129 light rail trains per day through the Florin Road intersection, from approximately 4:30am to 1:00am seven days per week. When RT staff factored in this LRT volume, combined with the existing freight train and on-road vehicle volumes on Florin Road, the result showed that the proposed Florin Road grade separation should have ranked No. 15 on the proposed FY 2000-2001 Grade Separation Priority List, even after discounting the volume of light rail trains in the formula at the rate of 10 to 1. Because CPUC staff removed the future 129 LRT crossings from the calculation, the proposed grade separation dropped to No. 34, with little hope of reaching a "fundable" position on the list. RT staff subsequently learned that RT could have made an argument, based on Decision 90-06-058, that future LRT volumes should have been allowed because it could have been "proven that events are imminent and estimates are highly reliable..." (Decision 90-06-058, Page 49). Unfortunately, RT staff was not advised of this at the time of the evidentiary hearing in February 2000.

We note that the CPUC allows consideration of grade separations for "proposed crossings," where new roads are constructed that would otherwise intersect with existing railroads. In these cases, CPUC "evaluated each project based on project feasibility and reasonableness of data" (CPUC, *Staff Report and Prioritization of Projects in I.99-07-001*, January 14, 2000). To be fair, a proposed new grade crossing should be considered in the same light and be allowed to compete equally for grade separation funding. CPUC's position on this matter effectively prevents agencies such as RT from attempting to proactively address a potential safety problem at proposed light rail grade crossings.

We are also concerned about the treatment of existing light rail crossings in the priority formula. As you are aware, the formula discounts the number of light rail crossings at a 1/10 ratio, meaning that a light rail crossing is equal to only one-tenth of a railroad crossing when determining the train volumes to include in the calculation. We understand that the rationale for this steep discounting of light rail train volumes dates back to the 1990 decision in which "superior braking conditions" of light rail was used as justification for making proposed light rail crossings much less competitive in the grade separation priority process. Fully loaded four-car light rail trains can carry 500-600 passengers, all of whom are at risk at each grade crossing. Also, collisions between light rail trains and autos can cause as much damage and far more casualties as collisions between railroad trains and autos.

Given the significant increase in passenger rail transit throughout the State of California, it would seem to be in the CPUC's best interest to ensure that proposed light rail grade separations are able to compete on a level playing field for funding. RT staff has analyzed accident data provided by CPUC in the *"Annual Report of Railroad Accidents Occurring in California (Calendar Year 1998)"* and finds that the LRV-motor vehicle accident rate per million train miles for light rail transit operators regulated by CPUC is nearly twice the rate for common carrier railroads. The rate is even higher when LRV-pedestrian accidents are included. The increase in light rail construction in California will likely increase this disparity unless all agencies involved – including the CPUC – work together to develop a multi-pronged approach to grade crossing safety. Part of that approach must include the ability for light rail transit agencies such as RT to compete equally for funds from the Grade Separation Priority Program.

Thank you for the opportunity to provide these comments. Should you have any questions, please contact Michael Wiley, RT Director of Customer Services, at (916) 321-2811.

Sincerely,

(original signed by Cam Beach for)

Pilka Robinson  
General Manager

c: RT Board of Directors  
City Councilmembers, City of Sacramento  
Board of Supervisors, Sacramento County  
Robert Thomas, City Manager, City of Sacramento  
Terry Schutten, County Executive, County of Sacramento  
Michael Kashiwagi, City of Sacramento Public Works Department  
Warren Harada, County of Sacramento Public Works Department  
Joshua Shaw, California Transit Association  
Linda Morshed, Morshed & Associates